

REMARKS

Currently, claims 1-91 are pending. The Examiner has restricted the claims in the case to two (2) invention groups, as follows:

1. Invention I, claims 1 and 3, drawn to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product; and

2. Invention II, claims 2 and 3, drawn to the use of a compound capable of modulating a target gene or gene product for the preparation of a pharmaceutical composition.

Further, the Examiner has objected to claims 4-91 as being in improper format because multiple dependent claims depend from other multiple dependent claims, and therefore have not be included in either invention groups.

Applicants respectfully traverse the restriction requirement and requests reconsideration. In order to be fully responsive, Applicants have provisionally elected, with traverse, the invention of Invention Group I as defined by claims 1 and 3 directed to a method for the treatment of a disorder of the central nervous system and/or eye comprising the use of a compound capable of modulating a target gene or gene product.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, includes a compound capable of modulating a target gene or gene product. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP § 803.

Claims 24-91 have been canceled without prejudice to presentation of such claims in this or a later filed application.

Claims 3 and 4-23 have been amended to correct the improper format, and depend from independent method claim 1 or a claim that depends therefore. As such, Applicants respectfully submit that claims 4-23 should be included in elected Invention Group I.

By this election, Applicants do not admit, nor do Applicants waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Invention

Group II, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

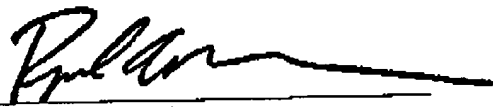
CONCLUSION

Applicants have timely filed this response. In the event that a fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicants' attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

By: _____


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